

1 Katherine Kelly Lutton (CAB # 194971)
 2 lutton@fr.com

3 Katherine D. Prescott (CAB # 215496)
 4 Prescott@fr.com

5 Robert J. Kent (CAB # 250905)

6 RJKent@fr.com

7 FISH & RICHARDSON P.C.

8 500 Arguello Street, Suite 500

9 Redwood City, CA 94063

10 Telephone: (650) 839-5070

11 Facsimile: (650) 839-5071

12 Barbara A. Benoit (*Admitted Pro Hac Vice*)

13 benoit@fr.com

14 FISH & RICHARDSON P.C.

15 1425 K Street, N.W., 11th Floor

16 Washington, DC 20005-3500

17 Telephone: (202) 783-5070

18 Facsimile: (202) 783-2331

19 Attorneys for Plaintiff
 20 SUN MICROSYSTEMS, INC.

21
 22
 23
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

19 SUN MICROSYSTEMS, INC.,

Case No. C09-00201 SI

20 Plaintiff,

**STIPULATION AND [PROPOSED]
 ORDER TO DISMISS WITH PREJUDICE**

21 v.

22 IMPLICIT NETWORKS, INC.,

23 Defendant.

24 The Plaintiff Sun Microsystems, Inc. and Defendant Implicit Networks, Inc., pursuant to
 25 41(a)(2) and (c) of the Federal Civil Judicial Procedure and Rules, hereby move for an order
 26 dismissing this action with regard to all claims and counterclaims brought, respectively, of Plaintiff
 27 Sun Microsystems, Inc. and Defendant Implicit Networks, Inc., in their entirety WITH
 28 PREJUDICE, with each party to bear its own costs, expenses and attorneys' fees.

1

2 Dated: April 6, 2009

FISH & RICHARDSON P.C.

3

4

By: /s/ Robert J. Kent
Robert J. Kent

5

6

Attorneys for Plaintiff
SUN MICROSYSTEMS, INC.

7

8

Dated: April 6, 2009

HOSIE RICE LLP

9

10

By: /s/ George F. Bishop
George F. Bishop

11

12

Attorneys for Defendant
IMPLICIT NETWORKS, INC.

13

Pursuant to General Order 45, Section X(B) regarding signatures, I Attest under penalty of perjury that concurrence in the filing of this document has been obtained from George F. Bishop.

14

Dated: April 6, 2009

FISH & RICHARDSON P.C.

15

16

By: /s/ George F. Bishop
George F. Bishop

17

18

Attorneys for Defendant
IMPLICIT NETWORKS, INC..

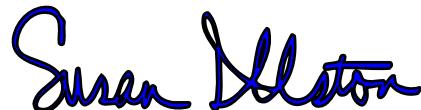
19

20

PURSUANT TO STIPULATION, this matter is hereby dismissed with prejudice, with all parties to bear their own attorneys' fees and costs.

21

IT IS SO ORDERED.



22

Dated: _____

Honorable Susan Illston
JUDGE OF THE U.S. DISTRICT COURT

23

24

50642052.doc

25

26

27

28